



18 JAN 2007

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In re Application of	:	DECISION ON RENEWED
HANING, et al.	:	
Application No.: 10/519,129	:	PETITION UNDER
PCT No.: PCT/EP03/06611	:	
Int. Filing Date: 24 June 2003	:	37 CFR 1.497(d)
Priority Date: 03 July 2002	:	
Atty. Docket No.: Le A 36 197	:	AND 37 CFR 1.42
For: NOVEL USE OF IMIDAZOTRIAZINONES	:	

This decision is in response to applicant's "Response to Decision on Petition Under 37 CFR 1.497(d)" filed 19 December 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 September 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 19 December 2006, applicant filed the present renewed petition under 37 CFR 1.497(d) accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee. As such, applicant's submission is considered timely filed.

DISCUSSION

I. Renewed Petition Under 37 CFR 1.497(d)

As detailed in the decision mailed 15 September 2006, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) the fee set forth in 37 CFR 1.17(i); and

- (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and
- (4) any new oath or declaration required by paragraph (f) of this section.

Applicant previously satisfied items (1), (2) and (4).

A review of the present filing finds that applicant has presently submitted the consent of the assignee to the deletion of Maria Theresia Niewohner as a listed inventor in the application. In addition, applicant has provided the proper certification under 37 CFR 3.73(b) as to the establishment of the right of the assignee to take action in the case. Therefore, it is proper to grant applicant's renewed petition at this time.

II. Request For Status Under 37 CFR 1.42

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

As detailed in the decision mailed 13 February 2006, the filed declaration complies with the requirements of 37 CFR 1.42, as well as, 37 CFR 1.497(b) in that the declaration provides the citizenship, residence, and mailing address for both the deceased inventor and the legal representative. As such, the request for status under 37 CFR 1.42 is granted.

CONCLUSION

For the reasons discussed above, the renewed petition under 37 CFR 1.497(d) and request for status under 37 CFR 1.42 are **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 24 June 2003 and will be given a date of **28 September 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Application No.: 10/519,129

3

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

A handwritten signature in black ink, appearing to read 'Derek A. Putonen', written in a cursive style.

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